

## Fiscal Estimate - 2009 Session

☒ Original      ☐ Updated      ☐ Corrected      ☐ Supplemental

<b>LRB Number</b> <b>09-2022/1</b>		<b>Introduction Number</b> <b>SB-080</b>	
<b>Description</b> The Volunteer Health Care Provider Program			
<b>Fiscal Effect</b>			
<b>State:</b>			
<input type="checkbox"/> No State Fiscal Effect			
<input checked="" type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <div style="display: flex; justify-content: space-around;"><input type="checkbox"/> Yes      <input type="checkbox"/> No</div>	
		<input type="checkbox"/> Decrease Costs	
<b>Local:</b>			
<input type="checkbox"/> No Local Government Costs			
<input type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs		4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
<b>5. Types of Local Government Units Affected</b>			
<input type="checkbox"/> Towns		<input type="checkbox"/> Village <input type="checkbox"/> Cities	
<input type="checkbox"/> Counties		<input type="checkbox"/> Others	
<input type="checkbox"/> School Districts		<input type="checkbox"/> WTCS Districts	
<b>Fund Sources Affected</b>		<b>Affected Ch. 20 Appropriations</b>	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	
DHS/ Ellen Hadidian (608) 266-8155		Andy Forsaith (608) 266-7684	
		<b>Date</b>	
		3/6/2009	

## Fiscal Estimate Narratives

DHS 3/6/2009

LRB Number	09-2022/1	Introduction Number	SB-080	Estimate Type	Original
<b>Description</b>					
The Volunteer Health Care Provider Program					

### Assumptions Used in Arriving at Fiscal Estimate

Under current law, a health care provider and nonprofit agency can petition DOA to allow the provider to provide, without charge to low-income patients, health care services, including health education, office visits, prescriptions and, for dentists, simple tooth extracting and necessary related suturing. The health care provider becomes a state agent of the Department for the provision of these services. If a civil action arises out of an act committed by the provider during the lawful course of that person's duties, the state provides legal counsel and any judgments against the provider are paid by the state and capped at \$250,000. However, a governmental unit need not provide or pay for legal representation if the provider's malpractice insurance provides representation.

This bill adds chiropractors and physical therapists to the list of those who can petition to become volunteer health care providers and gives health care providers who provide services under the volunteer program the status of state agents of DHS, regardless of whether the provider has medical malpractice insurance coverage that would extend to the provision of the volunteer services. The bill makes exceptions for volunteer health care providers from current provisions in state law that (a) limit payment by the state to damages and costs in excess of applicable insurance coverage and (b) limit the state's duty to provide or pay for legal representation to the extent that applicable insurance provides that representation. However, the bill does not remove the current \$250,000 cap on the amount recoverable from a proceeding against a state officer, employee, or agent.

Liability claims against the state are paid from funds administered by the Department of Administration. The Department pays premiums to DOA for liability insurance. The Department paid \$271,975 for liability insurance and \$105,066 for medical malpractice insurance in SFY 09. If these volunteer health care providers were added to the Department for liability purposes, and claims were made against them, the Department's liability premiums would also increase. However, the amount by which the premiums will increase as a result of the bill cannot be estimated.

### Long-Range Fiscal Implications

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<b>Description</b> The Volunteer Health Care Provider Program	
<b>Fiscal Effect</b>  <b>State:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect  <input checked="" type="checkbox"/> Indeterminate                      <input type="checkbox"/> Increase Existing Appropriations                      <input type="checkbox"/> Decrease Existing Appropriations                      <input type="checkbox"/> Create New Appropriations                 </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues  <input type="checkbox"/> Decrease Existing Revenues                 </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget                      <input type="checkbox"/> Yes                      <input type="checkbox"/> No  <input type="checkbox"/> Decrease Costs                 </div> </div> <b>Local:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs  <input type="checkbox"/> Indeterminate                      1. <input type="checkbox"/> Increase Costs                          <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                      2. <input type="checkbox"/> Decrease Costs                          <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                 </div> <div style="width: 33%;">                     3. <input type="checkbox"/> Increase Revenue                          <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                      4. <input type="checkbox"/> Decrease Revenue                          <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                 </div> <div style="width: 33%;"> <b>5. Types of Local Government Units Affected</b>  <input type="checkbox"/> Towns    <input type="checkbox"/> Village    <input type="checkbox"/> Cities  <input type="checkbox"/> Counties    <input type="checkbox"/> Others  <input type="checkbox"/> School Districts    <input type="checkbox"/> WTCS Districts                 </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div> <b>Fund Sources Affected</b>  <input type="checkbox"/> GPR    <input type="checkbox"/> FED    <input type="checkbox"/> PRO    <input type="checkbox"/> PRS    <input type="checkbox"/> SEG    <input type="checkbox"/> SEGS                         </div> <div> <b>Affected Ch. 20 Appropriations</b> </div> </div>	
<b>Agency/Prepared By</b> DOA/ Dawn Soletski (608) 266-6497	<b>Authorized Signature</b> Martha Kerner (608) 266-1359
<b>Date</b> 3/4/2009	

## **Fiscal Estimate Narratives**

**DOA 3/4/2009**

LRB Number	<b>09-2022/1</b>	Introduction Number	<b>SB-080</b>	Estimate Type	<b>Original</b>
<b>Description</b>					
The Volunteer Health Care Provider Program					

### **Assumptions Used in Arriving at Fiscal Estimate**

The proposed legislation requires the state to provide or pay for legal representation and pay for damages and costs awarded against volunteer health care providers providing services as state agents under the Volunteer Health Care Provider Program, regardless of whether any other insurance provides coverage.

Volunteers who are currently enrolled in the Program and have medical malpractice insurance already have the protections of the Program if their current insurance does not provide coverage. For volunteers who are retired and have no insurance, the Program provides them with primary coverage so this bill does not add any insurance benefit that does not already exist. In addition, the bill extends the status of state agents to chiropractors and physical therapists, when they are participating in the Volunteer Health Care Provider Program.

The administration of the Volunteer Health Care Provider Program is done by the Bureau of State Risk Management in the Department of Administration. Extending coverage to chiropractors and physical therapists will increase staff time needed to process and review applications. The cost of this increase is indeterminate, as the increase in applications is unknown.

It is not possible to estimate the potential claims cost of this proposed legislation. It is unknown what, if any, costs have been covered by the provider's medical malpractice insurance.

### **Long-Range Fiscal Implications**

Unknown.